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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,747	07/30/2004	Takeshi Oi	SIC-04-011	4284
29863	7590	10/07/2005	EXAMINER	
DELAND LAW OFFICE P.O. BOX 69 KLAMATH RIVER, CA 96050-0069			ARCE DIAZ, MARLON A	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/710,747

Applicant(s)

OI, TAKESHI

Examiner

Marlon A. Arce-Diaz

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/16/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4,6-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Dearsley (GB 2224253 A). Dearsley discloses a removable flexible aerofoil section.

Member (1) shown in figure 1,2,4 is throughout the frame of the bicycle shown in figure

4. Figure 2 shows the cross-section of the frame, where the slot is shown. Handle bar and stem are shown in figure 4.

3. Claims 1-3,6,7,9,10 are rejected under 35 U.S.C. 102(b) as being anticipated by Spangler (US Patent No 5,221,102). Spangler discloses a bicycle frame comprising: a frame (10), said frame is cylindrical in shape, having cross members (38,40) inside the frame as shown in figure 2 where it shows different chambers.

4. Claims 1-4,6,7,9,10 are rejected under 35 U.S.C. 102(b) as being anticipated by Passmore (US Patent No 908,127). Passmore discloses, reinforcement for metallic tubing comprising: a tubular frame (6) in figure 1 having a cylindrical shape, a reinforcement (8) with 2 legs (10) that are place throughout the tubular frame.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3611

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1,5,7,8,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spangler (US Patent No 5,221,102) in view of McDermitt (US Patent No 5,478,100). Spangler discloses a bicycle frame as mentioned above. Spangler fails to disclose the use of an insertion opening on the outer peripheral surface and, a lid member. McDermitt discloses a bicycle frame having thru the tube cable routing comprising: a frame (2), with a top tub (8). Top tub (8) has an aperture (24) shown in figure 4 where the cable (48) is inserted, said cable stops large objects from entering the frame. Ferrules (44) form a cap to close any type of gap between the cable and the aperture. It would have been obvious for one skilled in the art at the time the invention was made to include apertures to Spangler's frame to allow the cables or any other type of object to run through the frame for better aesthetics.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gogo (US Patent No 6,219,919). Gogo discloses a rear swing arm of a motor-bike.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon A. Arce-Diaz whose telephone number is (571) 272-1341. The examiner can normally be reached on Mon-Fri 8:00 am to 4:30 pm.


Art Unit: 3611

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marlon Arce-Diaz

MAA


LESLEY D. MORRIS
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